

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Paper 22

Filed by: Carol A. Spiegel
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Board of Patent Appeals and Interferences
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Carol A. Spiegel)

FAXED

XAIO LIU and MENG ZHU

SEP 7 - 2004

Junior party,
U.S. Patent 6,045,767

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

v.

TOMOHIRO **KAWASE** and MASAMI TATSUMI

Senior party,
Reissue Application 09/824,965

Patent Interference No. 105,237

REDECLARATION
(37 CFR § 1.611)

This interference is being redeclared to correct an error in the original Declaration (Paper 1) brought to light in the conference call of 7 September 2004, namely the inclusion of cancelled Kawase claim 23 in Count 1 (see Paper 21).
Therefore, it is

ORDERED that the interference is redeclared as follows:

1. The following new Count 2 is substituted for Count 1¹ (material deleted from Count 1 is shown in strikeout and material added to Count 1 is shown in bold):

Count 2

Claim 1, 4 or 8 of Liu (6,045,767)

or

Claim ~~23~~, 26, 34/19 or 63 of Kawase (09/824,965).

A clean copy of Count 2 is as follows:

Count 2

Claim 1, 4 or 8 of Liu (6,045,767)

or

Claim 26, 34/19 or 63 of Kawase (09/824,965).

2. The claims of the parties are:

Liu	1-8
Kawase	1-22, 26-29 and 31-81

3. The claims of the parties which correspond to Count 2 re:

Liu	1-8
Kawase	1-22, 26-29 and 31-81

4. The claims of the parties which do not correspond to Count 2 and therefore are not involved in the interference, are:

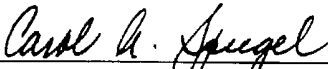
Liu	none
Kawase	none

5. Lui U.S. Patent 6,045,767, issued 4 April 2000, based on application 08/975,746, filed 21 November 1997, is accorded NO benefit for the purpose of priority as to Count 2.

6. Kawase Reissue application 09/824,965, filed 3 April 2001, is accorded benefit for the purpose of priority as to Count 2 of (a) U.S. Patent 6,007,622, issued 28

¹ Count 1 is reproduced at Paper 1, p. 5.

December 1999, based on U.S. application 08/843,124, filed 25 April 1997.


CAROL A. SPIEGEL
Administrative Patent Judge

Date: 7 September 2004

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